

Minutes of the October 22, 2010 Regular Council Meeting

Call to Order and Flag Salute at 3:30 pm by Mayor Serio.

Council in Attendance: Serio, Carmean, Bunting, Smallwood, Tingle and Weistling

Absent: Langan (Excused)

Audit Report – Tom Sombar, Sombar and Company

Mr. Tom Sombar presented the Annual Audit Report.

- Summary of Assets and Liabilities much improved over prior year
 - Revenues \$1,899,910 increased over prior year by \$316,723
 - Expenses \$1,570,012 decreased over prior year by \$131,000
- Assets
 - Cash and cash equivalents – down
 - Receivables – all collected to date
 - Gross Rental Tax – down
 - Property Tax – flat
 - Licenses and permits – increase
 - Parking permits – increase
 - Intergovernmental Grants - down
 - Trash fee – increase
 - Transfer Tax - down
 - Assets – up due to land acquisition and improvements
- Liabilities
 - General Expenses increased - distorted due to Capital Expenditures
 - Reflects increased cost of refuse disposal and recycling costs
 - Department Expenses decreased with the exception of Public Works Department
 - Increase results from salary issues and capital expenditures
- Recommendations
 - Apparent lack of segregation of duties regarding financial activities - retaining accountant services will provide oversight and safeguards
 - Recommended accounting procedures to identify and report non-spendable (restricted) funds
 - Transfer of funds should require another level of approval

President's Report

- Mayor Serio reported Commission and Committee assignments for 2010-2011 (attached). This list includes appointments to the Board of Elections, Board of Adjustments and the Planning Commission. It will be posted in Town Hall and on the Town website. Task forces are assigned to complete a job. When the task is completed the task force services will end. New task forces are Public Park- Cannon Street and the Sidewalk Project.

Motion to approve Commission and Committee assignments – Council Member Carmean

Second – Council Member Smallwood

Vote: All in Favor (6-0)

Motion passed

Topics for Discussion and Possible Action

a. Appointment of Public Works Supervisor – Mayor Serio

Motion to appoint Dan Heller as Public Works Supervisor – Council Member Bunting

Second – Council Member Carmean

Discussion – None

Vote: All in Favor (6-0)

Motion passed.

Minutes of the October 22, 2010 Regular Council Meeting

b. Site Selection for Proposed Public Safety Building – Council Member Weistling

Motion to consider choosing a site for a new public safety building excluding Town Hall as one of those choices – Council Member Carmean

Second – Council Member Bunting

DISCUSSION

Council Member Weistling advised that Council approved Site 1 at the previous meeting but agreed, at that time, to explore another option that would allow for a second storey to be added to the current Town Hall building. After meeting with representatives from French and Ryan, it was determined that this third option was not viable because it would require structural changes to the present building to bring it up to code and to raise the building to meet FEMA requirements. French and Ryan added that it would be better to tear down the present building rather than attempt retrofit. Council Member Tingle added that Site 1 was previously chosen and approved as the building site. Council Member Bunting noted that the police department will be separated from Town Hall for security and safety reasons by using Site 1.

Vote to accept Site 1 as location of possible new public works building: All in favor (6-0)

Motion passed

c. Resolution #48-2010 – Dedicated Funding for Road Improvements – Mayor Serio

Motion to adopt – Council Member Tingle

Second – Council Member Smallwood

DISCUSSION

Mayor Serio read the resolution into the record (copy attached). These funds will be placed in a segregated account on Mr. Sombar's recommendation.

Vote: All in Favor (6-0)

Motion passed.

d. Funding for Sidewalk Study Professional Services – Mayor Serio

Motion to accept contract from Landmark Engineering and to fund \$9000 for the Sidewalk Study – Council Member Carmean

Second – Council Member Weistling

DISCUSSION

Mayor Serio advised that Council discussed (Special Council Meeting 10/22/2010) the contract proposal received from Landmark Engineering to complete a study that is required in order to submit applications for grants. Council has reviewed the proposal from Landmark Engineering and suggested that Delaware Department of Transportation (DelDOT) officials be brought into the discussion and that a firm schedule be included. Proposal cost \$9000; schedule: within 3 weeks of receipt of signed contract Landmark Engineering will present plan for review and will complete right of way assessment and cost of project estimate within an additional 4 weeks assuming a timely review and acceptance of the plan and scheduling of any meetings. Council Member Bunting advised that the budget will require revision in light of the expenditure; Council Member Carmean suggested the cost might be offset by grant funds. Sidewalks will improve the appearance and safety of the town. Council Member Weistling asked if this is for SR1 only; Town Manager Abbott noted that this is for both sides of SR1.

Vote: All in Favor (6-0)

Motion passed.

e. Approval for Fenwick Freeze – Council Member Weistling

Motion to approve the Annual Fenwick Freeze for 2011 to be held on January 1, 2011 – Council Member Weistling

Second – Council Member Carmean

DISCUSSION

Council Member Weistling noted that Council should approve the activity so that the Beach Committee can order t-shirts and other supplies.

Vote: All in Favor (6-0)

Motion passed.

Minutes of the October 22, 2010 Regular Council Meeting

Approval of Minutes:

Motion to Approve the Minutes of September 24, 2010 Meeting - Council Member Bunting

Second: Council Member Carmean

Discussion - None

Vote: All in favor (6-0)

Minutes Approved

Treasurer's Report:

Council Member Bunting noted that the financial report is included in the council meeting packet.

Motion to Accept the Treasurer's Report - Council Member Tingle

Second - Council Member Carmean

DISCUSSION

Mayor Serio added that the Budget Committee met on 10/22/2010 and that meeting on a quarterly basis allows the group to address items in a timely manner. Council Member Weistling noted that Realty Transfer Tax appears to be up by \$27,000 over last year. Council Member Carmean complimented Council Member Bunting and Town Manager Abbott for their efforts to allow the Town to pay its bills online. Council Member Bunting added that building permit activities will be better computerized in the future.

Vote: All in favor (6-0)

Treasurer's Report accepted.

Town Manager Report:

- Town Manager Abbott advised that Town Hall will be closed on December 31, 2010. Fenwick Freeze registration will take place in Town Hall on December 29 and 30.
- Regarding the increase in photocopying reported in the Budget Report, this may be a result of books required for the Street Paving RFP.
- The Town has received a Municipal Street Aid grant from the State of Delaware; Senator Bunting will provide a grant of \$15,000 for Street Re-paving.
- Regarding street name changes, Mr. Abbott has followed up with all government agencies concerned to be certain that changes are in place.
- LifeLine Screening will take place in Town hall on December 9, 2010. There is a fee for this activity; flyers are available in the vestibule.
- The Memorial Tree Lighting Ceremony will take place on December 10, 2010.

Department Reports:

- Beach Patrol –None
- Building Official – Pat Schuchman noted that her report is included in the council packet. She added that all CRS reports were submitted in October and that the Town has retained its Class A rating (10% discount).
- Public Works: Mr. Abbott noted that the report is included in the council packet. New garbage containers for the beach ends are on order.
- Fenwick Island Police Department: Report in the Council packet.

Committee Reports:

- Beach Committee –No report.
- Environmental Committee –Council Member Carmean advised that there will be a meeting in November.
- Public Safety Building – Council Member Weistling advised that the Town is still waiting for a cost estimate from French & Ryan.

Planning Commission: Report is in the Council packet.

Minutes of the October 22, 2010 Regular Council Meeting

Charter & Ordinance:

- Proposed First Reading of Chapter 135 Signs – Council Member Weistling

Motion to accept – Council Member Weistling

Second - Council Member Tingle

Council Member Weistling advised that the proposed change deletes existing Chapter 135 section on Signs in its entirety and replaces it with the new section (included at the end of these minutes).

DISCUSSION – Council Member Weistling noted that this change adds a definitions section and gives the Code Enforcement Officer more authority to enforce the removal of dangerous signs. Council Member Smallwood asked if the ordinance requires that signs be removed within 7 days of the sale of a property or if it should be removed within 7 days of settlement. He also questioned the presence of “blade banners;” Council Member Weistling advised that they are addressed in this ordinance.

Vote to accept the Proposed First Reading of Chapter 135 Signs with noted change: “...any sign shall be removed within 7 days of settlement of property.” - All in Favor

First Reading passed - (6-0)

- Proposed First Reading of Chapter 140 Streets and Sidewalks – Council Member Weistling

Motion to accept – Council Member Weistling

Second – Council Member Bunting

Council Member Weistling advised that the proposed change replaces the current Chapter 140 Streets and Sidewalks in its entirety with the proposed change (included at the end of these minutes).

DISCUSSION – Council Member Weistling noted that wording has been changed and new street names included.

Council Member Carmean asked that the street name changes be included in the town newsletter and on the web site. Mayor Serio asked if a Sidewalk Ordinance will need to be created; Building Official Schuchman advised that a section in the ordinance has been reserved for this purpose. She also noted that it may be necessary to revise Article One only; Council Member Weistling agreed to revisit it at the next C&O meeting.

Vote to accept the Proposed First Reading of Chapter 140 Streets and Sidewalks: All in Favor

First Reading passed - (6-0)

Old Business:

- Council Member Carmean advised that she and Council Member Smallwood have been working with Chief Boyden regarding the off-duty employment of Fenwick Island Police officers. A report will be ready soon.

New Business – No Action to be Taken: Mayor Serio

- Council Member Carmean asked if the cost of the new garbage cans for the beach ends is included in the budget. Mayor Serio advised that this was discussed in the Budget Committee meeting; Council Member Weistling added that the ~~30-gallon (small)~~ 44-gallon at \$1,000 was ordered.

Public Participation:

- John Belian (1 W Houston St) – reported that the Fishing Tournament was a success overall. Each participant was awarded a prize through the generosity of local merchants.
- Lynn Andrews (1215 Schulz Rd) – Asked about the trash collection schedule. Town Manager Abbott has verified the winter pick up schedule with the trash hauler.
- Mike Quinn (5 W Houston) – asked if those who are delinquent on taxes are charged a fee (yes); if the \$215,000 showing in the Realty Transfer section is the proceeds of the State of Delaware grant (yes). Mr. Quinn noted that the Financial Report as printed does not show totals. Regarding the Police Department report, Mr. Quinn asked if the time assisting other agencies is in hours or days (hours).
- Council Member Smallwood thanked Lynn Andrews and all participants for assisting with the Coastal Cleanup.
- Council Member Smallwood announced that Lori Martin is sponsoring another Turkey Trot (8:00 AM) on Thanksgiving Day on Lewes Street. A donation of canned goods for Meals on Wheels is requested. Proceeds from sale of T-shirts will go to Lab Assistance.

Minutes of the October 22, 2010 Regular Council Meeting

Upcoming Events and Meetings:

Mayor Serio announced all meetings and events.

Motion to Adjourn: Council Member Weistling

Second: Council Member Bunting

All in favor to adjourn (6-0)

Mayor Serio adjourned the meeting at 5:15PM.

Respectfully submitted,

Agnes DiPietrantonio, Town Clerk

Transcribed from Tape and notes provided by Pat Schuchman and Lynn Massey

For Diane Tingle, Secretary

Minutes of the October 22, 2010 Regular Council Meeting

TOWN COMMISSIONS 2010 - 2011		
BOARD OF ADJUSTMENTS	BOARD OF ELECTIONS	PLANNING COMMISSION
Tim Collins (2012)	Lynn Andrews (2012)	Susan Klein (2012)
Marcia Frederick (2011)	Dick Bowman (2012)	Winnie Lewis (2011)
Craig Lambertson (2012)	Mary Wright (2011)	Richard Mais (2011)
Lizbeth Lear (2011)		Marlene Quinn (2012)
Marlene Quinn (2012)		Todd Smallwood (2011)
		Jack Smith (2011)
		Lois Twilley (2012)

Town Committees 2010-2011		
AUDIT	CHARTER AND ORDINANCE	BEACH
Gardner Bunting – Chair	Bill Weistling – Chair	John Belian
Vickie Rymer	Gene Langan – Vice Chair	Tim Ferry
Audrey Serio	Vicki Carmean	Vivian Jennings
	Buzz Henifin	Gene Langan
BUDGET	Winnie Lewis	Lizbeth Lear
Gardner Bunting – Chair	Mike Quinn	Rebecca McWilliams
Vicki Carmean	Diane Tingle	Lori Martin Smallwood
Gene Langan		
John Lewis	ENVIRONMENTAL	EMERGENCY MANAGEMENT
Vickie Rymer	John Belian	Audrey Serio – Chair
Audrey Serio	Vicki Carmean	Dick Bowman
Todd Smallwood	John Fenton	Chief William Boyden
Diane Tingle	Harry Haon	Gardner Bunting
Bill Weistling	Buzz Henifin	Gene Langan
	Susan Klein	Richard Mais
BUILDING	Mary Ellen Langan	
John Belian	Richard Street	
Jesse Sheppard	Lois Twilley	
Reid Tingle		
Bill Weistling		

TASK FORCE COMMITTEES (appointed until task completed)	
PUBLIC PARK – CANNON ST	PUBLIC WORKS BUILDING (existing)
Audrey Serio – Chair	Audrey Serio – Chair
Linda Bunting	Gene Langan – Point Person
Vicki Carmean	Todd Smallwood (Financial)
Buzz Henifin	Patricia Schuchman (Advisory)
Lois Twilley	Bill Weistling (Point Person)
David Walker	

Minutes of the October 22, 2010 Regular Council Meeting

NOTICE

On October 22, 2010 The Fenwick Island Town Council
Passed the Following Resolution #48-2010
Dedicated Funding for Road Improvements

Whereas, Title 22, Chapter 16 of the Delaware Code specifies that Realty Transfer Tax receipts be held in a segregated fund and expended solely for capital and operating costs of public safety, economic development, public works, capital and infrastructure projects and debt reduction; and

Whereas, most public roads in The Town of Fenwick Island are maintained by The Town and these roads constitute the largest infrastructure asset of the municipality; and

Whereas, prudent financial management would necessitate planning for the maintenance of this infrastructure;

Therefore, the Town Council, of the Town of Fenwick Island, on behalf of the citizens and property owners of The Town of Fenwick Island, in order to accomplish this goal, declare that, hereafter, no less than ten (10) percent of Realty Transfer Tax Fund deposits be allocated to a separate account for the specific purpose of road maintenance and improvement.

Attest: _____
Agnes D. DiPietrantonio, Town Clerk

Audrey Serio, President of Council

Diane B. Tingle, Council Secretary

I, Diane B. Tingle, Secretary of the Town Council, of the Town of Fenwick Island, Delaware, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by the President and Council at a meeting on October 22, 2010, at which a quorum was present and voting throughout and the same is still in force and effect.

Date

Diane B. Tingle, Council Secretary

Minutes of the October 22, 2010 Regular Council Meeting

APPROVED First Reading – October 22, 2010

Proposed Second Reading – December 10, 2010

(EXISTING – Change In Entirety)

CHAPTER 135 - SIGNS

§ 135-1. Intent.

This chapter is intended to promote the health, safety and general welfare of the residents of, visitors to, and owners and occupants of land and buildings within the Town; to restrict and eliminate signs tending to depreciate the value of property; and to eliminate actual or potential hazards to pedestrians and motor vehicle operators within the Town.

135-2. Definitions

The following terms, wherever used herein, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

Blade Banner - A flag, pennant or similar instrument intended to be hung on a pole no higher than 17 feet nor wider than 3 feet, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind.

Building Official - In the absence of said official, shall be synonymous with the Town Manager or any other person designated to perform the duties of Building Official.

Erect - To build, construct, attach, hang, place, suspend or affix.

Flag - A piece of cloth, plastic or fabric of any kind of distinctive size, color and design used as a symbol, standard, signal, decoration, advertisement, or emblem.

Portable sign - Any permanent or temporary sign, whose design and/or construction is intended to be moveable.

Sign - Includes every sign and any announcement, declaration, display, illustration or insignia used to advertise or promote the interests of any person, artificial entity, business, or group when the same is placed out-of-doors in view of the general public.

Vehicle sign - A sign or advertising device, but not a bumper sticker, which is painted, mounted, affixed or otherwise attached to a vehicle or trailer, which is used for the purpose of providing advertisement of products and services or directing people to a business, service or other activity.

§ 135-3. General provisions, restrictions and prohibitions.

Except as otherwise specifically provided in this chapter, the following provisions apply in all zones:

A. The area of a sign shall include the entire face of the sign, including the border and trim, and shall include the space between letters, figures and designs. All sides of a sign which are visible from any one vantage point shall be measured in determining the area of a sign, except that only one side of a sign shall be measured if the two sides are back-to-back or separated by an angle of 45° or less. In the latter case, if the two sides are not equal size, the larger side shall be measured. All signs must be built to withstand 35 pounds of wind pressure per square foot and a wind velocity of 110 mph.

B. The Building Official may cause any sign or advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

C. Portable and movable signs; A-shape signs.

(1) Portable or movable signs which are not firmly attached to a structure are prohibited, excepting that permanently located freestanding signs and those signs as set forth in § 135-3 C (2) are exempt from the above prohibition.

POSTED: October 25, 2010

(2) After September 15 and before June 1, in lieu of (and not in addition to) the flags permitted in §§ 135-5A(3)(b) and 135-5C(4)(b), A-shape signs with maximum dimensions of 3 feet high and 2 feet wide or a flag indicating either "open" or a product or nationality having dimensions of not greater than four feet by six feet shall be permitted, to be located not closer than 10 feet to either the front or side property line, one per business establishment, to be removed at sundown and not replaced until 7:00 a.m. A-shape signs shall be removed in high winds where they could create a hazard.

D. No sign shall be permitted which by reason of its shape, color or working may be confused with an official traffic sign, signal or device, or which may mislead or confuse pedestrians or vehicle operators, or obscure from view any traffic or street sign or signal or which may obstruct the view in any direction at the intersection of a street with another street or with a driveway.

E. Two signs per vehicle, not to exceed 12 square feet total, are permitted.

F. A sign in the shape or form of any person, animal, vegetable, product or portion of any of the foregoing is prohibited, except with the approval of the Town Council.

G. A sign which advertises a building, product, business, service, event, or institution which is not located on the same lot as the sign is prohibited.

H. A sign that flashes, blinks, or has intermittent or varying intensity of illumination is prohibited whether deliberate or as a consequence of a defect in the sign or the illumination source, if visible from the travel portion of the highway, except for a sign indicating the time or date or temperature changes, or a combination.

I. The light from any light source intended to illuminate a sign shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas.

J. No sign shall obstruct any door, fire escape, stairway or any opening intended to provide ingress or egress to or from any building or structure.

K. No sign which is not attached to a building shall exceed 20 feet in height above the finished grade below it.

L. The lowest point of any sign which extends over an area intended for pedestrian use shall not be less than 8 feet above the finished grade below it. The lowest point of any sign which extends over an area intended for vehicular use shall be not less than 14 feet above the finished grade below it.

M. Signs larger than 30 square feet in area shall be set back a minimum of 25 feet from the Route 1 state right-of-way line or property line on other streets or roads. Signs of 30 square feet and under shall set back a minimum of 10 feet from the Route 1 state right-of-way line or property line on other streets or roads except as otherwise specifically provided in this chapter.

N. In the case of signs placed in the interior of a building and observable from the outside through a frontage window;

(1) Unlighted signs, meaning signs without electrification, are permitted.

(2) Unless the sign is allowed under § 135-4A or B, lighted open signs and informational signs showing services rendered or products sold shall not exceed the lesser of 20% of the total area of the window or door in which they are placed or 12 square feet.

O. Unless the sign is specifically permitted under this chapter, in the Commercial Zone it shall be unlawful for any person or entity to cause or permit the repair, erection, alteration, relocation or conversion of, or to permit to exist, any sign within the Town. This prohibition shall apply to both the owner of the land or buildings and any lessee (tenant) or other occupant.

P. Handicap parking signs. Any handicap parking spaces or zones designated by any person or artificial entity for use by persons with disabilities shall have erect signage.

§ 135-4. Signs permitted in all zones.

Subject to the other conditions of this chapter, the following signs shall be permitted in any zone:

A. Construction signs. One sign shall be permitted for all building contractors, one for all professional firms and one for all lending institutions involved in the construction, enlargement, reconstruction or repair of a structure. Each such sign shall not exceed six square feet in area, with not more than a total of 3 such signs permitted on one site. If freestanding, the height of each such sign shall not exceed 8 feet. Signs

Minutes of the October 22, 2010 Regular Council Meeting

shall be set back a minimum of 5 feet from the Route 1 state right-of-way line and a minimum of 5 feet from the property line on all other streets or roads. Each such sign shall be removed within 14 days of the end of the intended use of the project.

B. Real estate signs. One temporary real estate sign not exceeding 6 square feet in area and located on the property to which it relates shall be allowed for each lot. Signs shall be set back a minimum of 5 feet from the Route 1 state right-of-way line and a minimum of 5 feet from the property line on all other streets or roads. Any such sign shall be removed within 7 days of settlement of the property.

C. Banners. Banners advertising a public entertainment or event, if specifically approved by the Town Council and in locations designated by the Town Council, may be displayed 14 days prior to and during and 7 days after the public entertainment or event, or as otherwise approved by the Town Council.

D. Permanent identification signs. Signs of a permanent nature, setting forth the name of a church, community center or other like projects, shall be permitted if erected in accordance with the minimum yard requirements of the zone in which the sign is located. Setback requirements shall be in accordance with § 135-3M of this chapter. Any such signs shall not exceed 30 square feet in area. Such signs shall be deemed to include community bulletin boards.

E. Civic, religious and quasi-public signs. Name, directional and information signs and emblems of service clubs, places of worship, civic organizations and quasi-public uses shall be permitted on private property if set back in accordance with the minimum sign setback requirements of the zone in which the sign is located. Each such sign shall not exceed 3 square feet in area. If freestanding, the height of such sign shall not exceed 8 feet. In the event that there is a need for more than one sign at one location, all such signs must be consolidated and confined within a single frame.

F. Public signs. Signs of noncommercial nature and in the public interest, such as directional signs, regulatory signs, warning signs and information signs, may be erected by or on the order of a duly appointed federal, state, county or Town public officer in the performance of his duty.

G. Temporary signs. Temporary signs announcing any public, charitable, civic, educational or religious event or function may be located on the lot on which the event or function is to take place and set back no less than 10 feet from the property line nor exceed 30 square feet in area. Such a sign shall be erected no more than 10 days prior to the event or function and must be removed within 5 days after the event or function. If freestanding, the height of such sign shall not exceed 8 feet.

H. Election campaign signs. Signs relating to primary or general elections, including referenda questions, shall be permitted up to a total area of 9 square feet for each lot in a Residential Zone and 30 square feet in a Commercial Zone. These signs shall be confined within private property and shall not be less than 25 feet from the nearest curb intersection of any street or road. Sign setback requirements shall be in accordance with § 135-3M of this chapter. If freestanding, the height of such signs shall not exceed 8 feet. Such a sign may be displayed no sooner than 30 days before an election and must be removed within 2 days after the election to which it relates.

§ 135-5. Commercial and industrial signs

The following shall apply in Commercial Zones:

A. For a single commercial business, which is not a part of a subdivided building, the following shall apply (all signs described herein shall be subject to the restrictions provided in § 135-4):

(1) With property less than 100 feet of frontage on Route 1, 2 signs, or 2 blade banners, or one of each are permitted. One sign, attached to the building and not exceeding one square foot for each front foot of building, is permitted. A freestanding sign or blade banner is also permitted, but shall not exceed 30 square feet, and shall not reduce the number of required parking spaces.

(2) With property of 100 feet of frontage or more on Route 1, there shall be allowed one blade banner or one freestanding sign no larger than 120 square feet and one sign attached to the building not to exceed one square foot in area for each front foot of building.

(3) One United States flag and one State of Delaware flag, and one flag indicating either "open", a product, or a nationality, with each flag having dimensions not in excess of 4 feet by 6 feet are permitted if on a pole(s) attached to the front of the building or on a flag pole set back at least 25 feet from the front property line and 10 feet from any side property line; anything contained in this chapter notwithstanding, a flag may protrude no more than 6 feet from the wall to which it is attached and, if attached to a building, may not be higher than the roof of the building.

B. In the case of a subdivided building, the total number of signs shall not exceed 3 signs for each single commercial occupant, the total square footage of all such signs shall not exceed one square foot in area for each lineal front foot of building used for a single commercial purpose. Each allowed sign must be on or attached to the building.

C. In addition to the sign allowed in Subsection B above, the following signs shall be permitted:

(1) One multiple-use identification sign, stating the name of the subdivided building and some or all of its tenants. The area of such sign shall be determined independently from the sign area allowed under Subsection A of this section and shall not exceed 30 square feet per tenant or exceed 250 square feet per subdivided building.

(2) One additional sign shall be permitted below a canopy or overhang, not to exceed 2 square feet in size.

(3) In the case of gasoline service provided by a retail store, one additional conventional freestanding gasoline sign.

(4) Subdivided buildings; protrusion.

(a) For an entire subdivided building, one United States flag and one State of Delaware flag are permitted on a pole(s) attached to the front of a building or on a flagpole set back at least 25 feet from the front property line and 10 feet from any side property line.

(b) For a subdivided building, each holder of a business license is permitted to have one flag indicating either "open" or a product or a nationality, with dimensions not in excess of 4 feet by 6 feet, if on a pole attached to the front of the business (building). Blade banners are prohibited.

(c) Anything contained in this chapter notwithstanding, if attached to a building, a flag(s) may protrude no more than 6 feet from the wall to which it is attached and may not be higher than the roof of the building.

D. No sign on or attached to a building shall extend beyond that portion of the building which it identifies, nor shall it extend above the height of the wall of the building on which it is placed, nor shall it extend beyond the width of the wall of the building on which it is placed, nor shall it protrude more than 6 inches from the wall of the building on which it is placed, except that the sign permitted under Subsection C(2) above may extend out to the limit of an overhang or canopy.

E. In the case where the size of the building is disproportionately small compared to the size of the facility as a whole, a sign not to exceed 25 square feet shall be permitted on the building, to be placed in accordance with the provisions of this chapter, and one freestanding sign shall be permitted no greater than 30 square feet and shall be set back a minimum of 10 feet from the Route 1 right-of-way line or property line or other streets or roads, except as otherwise specifically provided in this chapter, and shall be subject to the restrictions as set forth in § 135-3.

F. In the case of a full-service auto repair garage-gasoline station having an overhead canopy covering at least 2 rows of gasoline pumps, the following shall be permitted:

(1) One freestanding sign consisting of multiple signs not to exceed 4 square feet for each multiple sign advertising current gasoline prices, subject to height, size and setback requirements set out above.

(2) Lettering and logo showing the company, not exceeding letter heights of 2 ½ feet, lettering length of 16 feet and logo height of 33 inches, on either side of the canopy.

(3) A sign not exceeding 16 square feet on the building indicating the service center.

(4) Advertisement of oil and gas on each pump, said advertisement not to exceed 3 square feet on each pump, is permitted.

§ 135-6. Nonconforming signs

A. Any permanent sign lawfully in existence on the effective date of this chapter shall be allowed to remain; however, if an existing sign is destroyed or falls into disrepair, then reconstruction of said sign of the same size and in the same location shall be permitted if rebuilt within one year of said destruction or disrepair. In the event such a sign is not rebuilt and replaced within the one-year time limit, then any reconstruction must be in accordance with this chapter. The condition of the sign in question shall be determined and approved by the Building Official at the time the sign permit application is filed as set forth in § 135-7 herein. The condition of such sign may also be evaluated at the time it is destroyed or falls into disrepair. All applications for a permit to replace a nonconforming sign shall not be considered as a reconstruction of a nonconforming sign and, therefore, the replacement sign must be in accordance with this chapter.

Minutes of the October 22, 2010 Regular Council Meeting

B. Portable or movable signs that are in violation of § 135-3C shall be removed not later than 30 days after the effective date of this chapter.

§ 135-7. Permits.

A. No sign shall be erected or moved or altered as to size, shape, design or context without first filing an application and obtaining a signed permit of approval by the Building Official, except as provided in § 135-8 of this chapter. Where space on the sign is provided to indicate sales or specials, the written and/or graphic content in this area may be changed without prior approval.

B. The exact location, size, type of illumination, structural content, support system, color and design must be clearly and fully set forth in Section II of the Sign Permit Application except as provided in § 135-8 of this chapter.

C. A fee as set by resolution by the Town Council from time to time must accompany each sign permit application for a multiple use identification sign as set forth in § 135-5C(1) of this chapter, and for each sign described in § 135-4A or B of this chapter. All other sign permits will be charged a fee as set by resolution of the Town Council from time to time, except as provided in § 135-8 of this chapter.

D. All requests for a permit hereunder must be signed by the owner of the property and/or business owner of that property where the sign is to be located.

E. An application for a sign permit may be obtained from the Town Manager or Building Official's office.

§ 135-8. Exceptions; sign application; permit and fee.

A. Signs which are permitted in accordance with § 135-4A, B and F of this chapter shall not require the submission of an application or a permit or a fee to be paid, provided that they shall be in accordance with all other requirements of this chapter.

B. Signs which are permitted in accordance with § 135-4C of this chapter shall require the submission of an application which must be approved by Town Council. No fee will be required.

C. Signs which are permitted in accordance with § 135-4D and E of this chapter shall require the submission of a sign application and a sign permit. No fee will be required.

D. Signs which are permitted in accordance with § 135-4G and H of this chapter shall not require the submission of an application or a permit, and no fee is required, provided that they shall be in accordance with all other requirements of this chapter, and further provided that the Building Official be advised prior to erection as to location, size and content.

E. Signs which are required in accordance with § 135-3P of this chapter shall not require the submission of an application or a permit, and no fee is required, provided that they shall be in accordance with Title 9, Section 310, of the Delaware Code.

§ 135-9. Maintenance of signs.

If the Building Official shall find that any sign or other advertising structure regulated herein is unsafe or insecure or is a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he/she shall give written notice to the permittee. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within 10 days after such notice, such sign or other advertising structure may be removed or be made to comply by order of the Building Official at the expense of the permittee or owner of the property upon which it is located. The Building Official shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed.

§ 135-10. Penalties.

Violators of any provision of this chapter shall, upon conviction, be subject to a fine of \$200. Each day that the violation continues to exist after written notification by the Town of the violation and the expiration of the time for compliance of at least 10 days set forth in the notice shall be a separate offense, subject to the same penalty for each day the violation continues.

§ 135-11. Appeals.

Appeals to the interpretation of this chapter will be made to the Town Council. The decision of the Town Council shall be final.

APPROVED First Reading – October 22, 2010

Proposed Second Reading – December 10, 2010

(Existing – Replace in Entirety)

Chapter 140, STREETS AND SIDEWALKS

GENERAL REFERENCES

ARTICLE I, Street Names

§ 140-1. Street names and signs.

A. In order to facilitate the prompt location of specific addresses by emergency vehicles, the names of Town streets intersecting with Coastal Highway may include an east or west designation where applicable as follows:

Streets Running Easterly
from Coastal Highway

East Atlantic Street
East Bayard Street
East Cannon Street
East Dagsboro Street
East Essex Street
East Farmington Street
East Georgetown Street
East Houston Street
East Indian Street
East James Street
Lewes Street
King Street

Streets Running Westerly
from Coastal Highway

West Delaware Avenue
West Maryland Avenue
Oyster Bay Drive
West South Carolina Street
West Atlantic Street
West Bayard Street
West Cannon Street
West Dagsboro Street
West Essex Street
West Farmington Street
West Georgetown Street
West Houston Street
West Indian Street
West James Street
High Tide Lane
Windward Way
Ebb Tide Cove

B. Signage for these streets shall use the abbreviations "E." and "W.", where applicable.

POSTED: October 25, 2010